

2. The short point which arises for consideration is whether the action taken by the police authorities of the respondents in imposing fine purportedly in exercise of powers

under Section 39 of the Airports Authority of India Act, 1994 was lawful or not.

3. Though various points are sought to be canvassed by both the sides, it is not necessary to address to all those issues. Suffice to observe that it is not in dispute that the alleged acts on the part of the respondents did not constitute cognizable offence and, therefore, the police authorities without complying with the prerequisites prescribed under the Code of Criminal Procedure could not have proceeded to take action against the members of the petitioner. This being an admitted position, the action purportedly taken in exercise of powers under Section 39 of the said Act cannot be sustained. Besides, Section 39 of the said Act nowhere empowers either the Magistrate or the police authorities to impose fine. On this limited ground, the petitioners are entitled for the relief in terms of prayer clause (a). Needless to say that declaration in this regard has not to mean that the competent authorities are debarred from taking any lawful

action, if permissible under the law in relation to any such activities. Hence, in the result, therefore, on the limited ground stated above, the Petition is allowed and rule is made absolute in terms of prayer clause (a) with no order as to costs.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI, J.]